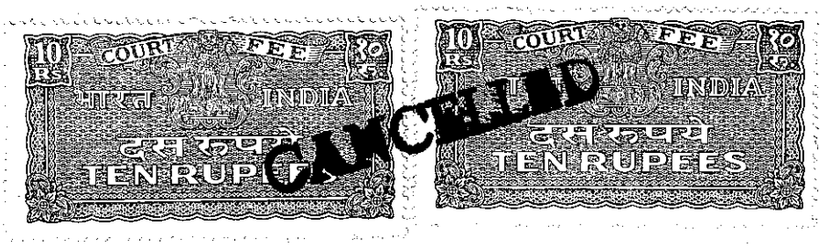

(3)

CF 100

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No-----1830/2003

PETITIONER : Ashok Kumar Surya, S/o. Prabhudayal, aged about 28 years, R/o. Ambikapur (Kedarpur Mohalla), Tahsil - Ambikapur Dist. - Surguja(C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh Through Secretary General Administration Department, D.K.Bhawan Raipur(C.G.)

2. Collector Surguja, Ambikapur Dist.-Surguja(C.G.)

R. E. No. 1629/03
Presented by Shri Shri Mishra
20.06.03

PETITION UNDER ARTICLE 226 & 227 OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1830 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-06-2003

Smt. Meena Shastri, counsel for the petitioner.

Shri Sanjay K. Agrawal, Deputy Advocate General for the respondents.

The petitioner has preferred this petition under Article 226 / 227 of the Constitution of India.

In para-5 of the petition it is stated that the petitioner was appointed in the Census Department as Assistant Grade-III on contract of specified durations. The work of the petitioner was satisfactory regarding which the Competent Authority has also issued a good working certificate. The petitioner belongs to the Scheduled Caste community. The copy of the caste certificate is Annexure-P/2. The petitioner is a permanent resident of State of Chhattisgarh and copy of domicile certificate is Anneuxre-P/3.

It is further stated that other ten similarly placed workers of that department have been retrenched as per the order of respondent No.2, the copy of which is Annexure-P/4. There is an order of the department that these employees will be treated as surplus workers and should have been

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

given priority over other department as per the notification issued by the State, the copy of which is Annexure-P/5. The respondent No.2 has again appointed similarly placed other workers of the removal list and some fresh candidates.

It is further submitted that the petitioner had also applied for, but arbitrarily he has not been appointed. The fresh appointment is prohibited because of ban period, only surplus workers should be appointed. But one Rohit Kumar whose name is mentioned at Sr. No.10 of the list is fresh candidate. On the other hand, Rohit Kumar is the nephew of one clerk R.D. Chandrakar. This act of the respondent No.2 shows the aspect of arbitrariness and maliciousness.

I have heard the learned counsel for the petitioner.

As has been mentioned in the petition itself that the appointment was on contract basis for a fixed term and on expiry of that term the petitioner's services has been terminated vide Annexure-P/4 along with other 10 persons.

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

A perusal of Annexure-P/5 reveals that the Government of Madhya Pradesh which was the Mother State of the present State of Chhattisgarh issued a circular from time to time to the effect that all the employees of the Census Department whose services have been terminated on account of the expiry of the term they will be treated as surplus employees and they will be given priority in the matter of appointment on the similar posts.

The main grievance of the learned counsel for the petitioner is that the petitioner is not being considered even in Census Department. Some other appointments are being taken place and one Rohit Kumar a fresh candidate has been appointed.

The learned counsel for the petitioner placed reliance on decision of the Apex Court reported in **AIR 1999 SUPREME COURT 2202** (Govt. of Tamil Nadu and another Vs. G. Mohamed Ameenuddin & Others.) in which the Hon'ble Apex Court issued directions that the Government should work out a scheme to absorb these employees in appropriate employments. It would be appropriate for the Government to work out a scheme to absorb these employees in appropriate employment. Let such a scheme be worked

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/1660/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

out as we think that such a situation occasionally arise. On earlier occasions when such situations had arisen, those who had done similar jobs, had been absorbed in Government service by the appellant. In doing so, the Government may also bear in mind whether the employees can be recruited in the local authorities, quasi-governmental organizations or Government Companies.

In view of the above directions given by the Hon'ble Apex Court, the Government of Chhattisgarh may also consider for absorbing the surplus employees who had worked under the Census Department in the light of the direction given by the Hon'ble Apex Court and the petitioner is at liberty to approach the Government for absorption and on his moving, the Government of Chhattisgarh, the Department of General Administration may consider his representation appropriately.

In view of this order, M.(W.)P. No. 1660/2003 & I.A. 5493/2003 stand disposed of.

With these observations, the writ petition is disposed of.

Sd/-
L.C.BHADOO
Judge

Barve/

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18-8-03 23/11/10 23/11/10 23/11/11 23/11/11